

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1892

January 28, 2018

SUMMARY OF BILL: Prohibits abortions from the point a fetal heartbeat is detected. Requires an ultrasound to determine the presence of a fetal heartbeat. Creates exceptions for medical emergency. Requires the person determining the presence or absence of a fetal heartbeat to record the estimated gestational age of the fetus, the ultrasound method, the date and time of the test, and the results of the test in the pregnant woman's medical record and inform the pregnant woman in writing if a fetal heartbeat is detected. Allows for a civil cause of action if the pregnant woman is not notified in writing if a fetal heartbeat is detected. Authorizes damages and court costs and reasonable attorney's fees. Requires a physician who performs an abortion under the medical emergency exception to declare in a written statement to be placed in the woman's medical records that the procedure is necessary and the specific condition that constitutes the medical emergency. Repeals the *Tennessee Infants Protection Act* enacted by Public Chapter 353 of 2017.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 9-4-5116, no state funds are to be expended to perform abortions unless the pregnancy is the result of an act of rape or incest, or the woman's life is in danger unless the abortion is performed.
- The proposed legislation will not change the procedures currently in place for an abortion resulting from the woman's life being in danger. State funds expended for abortions performed in the case of an act of rape or incest will require an ultrasound which could result in additional costs associated with the ultrasound.
- Based on information provided by the Department of Finance and Administration, Division of Benefits Administration (Benefits Administration), the proposed legislation may result in an increase in ultrasounds; however, it is assumed they will meet Benefit Administration's carrier's medical necessity requirement and will not significantly impact any managed-care plans for employees of state government, local government or local education agencies.
- Based on information provided by the Bureau of TennCare (Bureau), ultrasounds are currently covered through its managed care organizations (MCOs) and the Bureau only covers medically necessary abortions; therefore, any fiscal impact is estimated to be not significant.

- Any necessary rule changes by boards under the Division of Health Related Boards can be accommodated within the appropriate board's regularly-scheduled meetings at no additional cost.
- Based on information provided by the Administrative Office of the Courts, any increase in caseload to trial courts can be accommodated within existing resources without an increased appropriation or reduced reversion.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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